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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/797,897 | 03/10/2004 | Ashish M. Sukhadia | C51757-0450 | 5059 |

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EXAMINER

CHOI, LING SIU

ART UNIT PAPER NUMBER

1713

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,897

Applicant(s)

SUKHADIA ET AL.

Examiner

Ling-Siu Choi

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-17, 19-27 and 29-45 is/are pending in the application.
- 4a) Of the above claim(s) 14-17, 19-27 and 29-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment and Response filed September 19, 2005. Claims 7, 18, and 28 were canceled and claims 1-6, 8-17, 19-27, and 29-45 are now pending. In view of the Amendment, Groups II-IV will be rejoined with Group I if Group I is found allowable and Groups II-IV bear the inventive features cited in the Group I.

2. Claim rejections of Group I under 35 U.S.C. 102(b) as being anticipated by Hazlitt et al. (US 5,370,940) and under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Saudemont et al. (US 6,239,059) are maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hazlitt et al. 95,370,940).

| | |
|--------------------------------|------------------|
| A polymer of ethylene having | |
| a polydispersity index | \leq about 20 |
| a film clarity of a 1 mil film | \leq about 30% |
| a film haze of a 1 mil film | \geq about 70% |

(summary of claim 1)

Hazlitt et al. disclose a film of thermoplastic ethylene interpolymer which has a density of about 0.935 g/ml or less, I_{10}/I_2 of at least about 8, I_2 of from about 0.1 to about 4 g/10 min; **Mw/Mn of 4.16-6.20, a film haze of 64.83, and a film clarity of 0.25-29.70** (abstract; Examples 1-9; Tables II and VII-Example 2; claims 1-3). Thus, the present claims are anticipated by the disclosure of Hazlitt et al.

Claim Rejections - 35 USC § 102/103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6 and 8-13 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Saudemont et al. (US 6,239,059).

The rejection is adequately set forth in paragraph 12 of the previous Office Action and is incorporated herein by reference.

Response to the Applicants' Arguments

8. Applicants' arguments filed September 19, 2005 have been fully considered but they are not deemed to be persuasive.

Applicants, " Hazlitt states that the 'interpolymer product is a composite or blend of ethylene interpolymers, typically copolymers or terpolymers of ethylene and one or more alpha-olefin monomers having 3 to 18 carbon atoms.' "

Attention is drawn to claim 1 which states that "said thermoplastic interpolymer product is a composite or blend of at least a **first interpolymer of ethylene and at least one alpha-olefin and at least one other interpolymer of ethylene and at least one alpha-olefin having a different average molecular weight than said first interpolymer...**" It is noted that interpolymer usually has different molecular weight and is always characterized by the molecular weight distribution. Thus, blend of the

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same interpolymer having different molecular weight reads on copolymer disclosed in the present invention.

Furthermore, attention is drawn to Example 2 of US 5, 370,940 to Hazlitt et al., wherein haze is 64.83 and clarity is 0.25 (assumption: it is in %). Attention is also directed to the currently amended claim 1, wherein the polymer has haze greater than or equal to about 70% and clarity less than or equal to about 30%. "**About 70%**" is equivalent to the range of 56% - 84% $[(70 \pm 20\% \times 70)\%]$. Thus, the values of haze and clarity claimed in the present claims are anticipated by the disclosure of Hazlitt et al.

Applicants, "Applicants respectfully assert that the catalyst system used in Saudemont is not substantially identical to the catalyst system employed to produce the homopolymer or copolymer of the claimed invention. Example 1 employs Cp_2ZrCl_2 , an unbridged metallocene, as the metallocene compound in the catalyst system. Saudemont, column 10, line 33. In sharp contrast, the polymers of the claimed invention are produced by a catalyst system employing at least one bridged metallocene compound."

It is noted that Cp_2ZrCl_2 , an unbridged metallocene, is used as the metallocene compound in the catalyst system in Example 1. However, Saudemont et al. also use $\text{Et}(\text{ind})_2\text{ZrCl}_2$, a bridged metallocene, as the metallocene compound in the catalyst system in Example 34. Furthermore, Saudemont et al. disclose that "the porous mineral oxides are advantageously chosen from silica, alumina and mixtures thereof" for fluorination modification (col. 2, lines 1-25). Thus, the catalyst disclosed by Saudemont et al. is substantially identical to one of the present invention.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

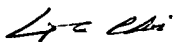
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.

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LING-SUI CHOI
PRIMARY EXAMINER

December 10, 2005